Remarks

Claims 37-43, 46, and 48-52 are pending. Claim 45 were previously canceled. Claims 44 and 47 are canceled by this communication.

Information Disclosure Statement

Applicants notes that Examiner indicated that the information disclosure statement (IDS) submitted on December 19, 2006 has been considered. However, **Applicants respectfully point out that the Examiner has not corrected the inconsistency and error with respect to the Examiner's consideration of the IDS submitted on December 6, 2005 as set forth at pages 4 and 5 of the Response to Office Action filed on December 13, 2006**. Applicants again respectfully request the Examiner to address these issues.

Claim Rejections - 35 USC § 112

Claim 40 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 37 and claim 40 have been amended thereby rendering the rejection moot. These claims are supported in the specification (Pages 9-17, 34-37). The Examiner is requested to withdraw the rejection.

Claim Rejections - 35 USC § 102

Claims 37-43, 46, and 48-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Ding (US 6,652,581).

Claim 37 defines a method of forming a coating for an implantable medical device comprising applying a composition comprising a solvent and a polymer to the device; and heating the polymer and the solvent to **a temperature greater than about the glass transition temperature of the polymer but below the melting temperature of the polymer**.

Ding discloses a method of loading a composition comprising a polymer, a drug and solvent onto a porous substrate of a medical device to **form a porous, sponge-like surface or coating** (see Abstract, Figures 1A, 1B and 2; col. 2, lines 14-67). Ding describes removing the solvent by heating at approximately 90°C or as high as 150°C (depending on the polymer, drug and solvents used) to cure the surface or coating. Ding does not describe or teach selecting a range of temperature that is particular to a polymer, that is, **a temperature greater than about the glass transition temperature of the polymer but below the melting temperature of the polymer**. Note, a temperature as high as 150 °C or above will certainly be higher than the melting temperature many polymers.

In sum, Ding does not describe the method of claim 37. Claim 37 is therefore patentably allowable over Ding under 35 U.S.C. 102(e). Claims 38-42 and 43 depend from claim 37 and are patentably allowable over Ding under 35 U.S.C. 102(e) for at least the same reasons.

Claim 46 defines a method of forming a coating on an expandable stent depositing a substance including a polymer on an expandable stent; and exposing the polymer to **a temperature greater than about the glass transition temperature of the polymer, but below the melting temperature of the polymer**, for a duration of time. As the above discussion shows, Ding does not describe or teach exposing a polymer to **a temperature greater than about the glass transition temperature of the polymer, but below the melting temperature of the polymer**. As such, claim 46 is patentably allowable over Ding under 35 U.S.C. 102(e). Claims 48-52 depend from claim 46 and are patentably allowable over Ding under 35 U.S.C. 102(e) for at least the same reasons.

Claim Rejections - 35 USC § 103

Claims 37-43, 46, and 48-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ding (US 6,652,581).

As discussed above, Ding does not describe or teach a method that includes **selecting a temperature greater than about the glass transition temperature of a polymer but below the melting temperature of the polymer**. To a person of ordinary skill in the art, a process of forming a porous coating/substrate as described by Ding would have no concern whatsoever with the surface integrity of such coating or substrate. Therefore, to a person of ordinary skill in the art, it is not at all surprising that Ding teaches that the temperature can be as high as 150 °C. As pointed out above, a temperature as high as 150 °C or above will certainly be higher than the melting temperature many polymers, and thus heating at 150 °C may generate a coating having poor coating integrity with pores and voids. Therefore, Ding can teach away from a method as defined by claims 37 or 46.

In sum, claims 37 or 46 are patentably allowable over Ding under 35 U.S.C. 103(a). Claims 38-42 and 43, which depend from claim 37, and claims 48-52, which depend from claim 46, are patentably allowable over Ding under 35 U.S.C. 103(a) for at least the same reasons.

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. 07-1850.

Withdrawal of the rejection and allowance of the claims are respectfully requested. **If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment.** If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

Date: July 2, 2007

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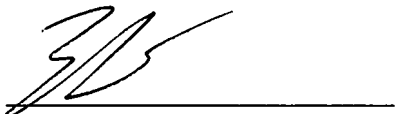
Respectfully submitted,



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